

that it had been shipped on or about April 1, 1941, by the Starr Medicine Co. from San Francisco, Calif.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs including laxative plant drugs, coated with calcium carbonate.

The article was alleged to be misbranded: (1) In that the label failed to bear adequate directions for use since the dosage given was not appropriate for a laxative, namely, "Dose—1 to 2 at Bedtime." (2) In that the label failed to bear adequate warnings in such manner and form as were necessary for the protection of users, against use in those pathological conditions where its use might be dangerous to health, and against unsafe duration of administration, since the labeling failed to bear warnings that it was not to be taken when suffering from nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and that continued use might result in dependence upon a laxative. (3) In that the following statements, appearing on the label, were false and misleading since it contained no ingredients which would constitute treatment for the conditions quoted: "Courage Manhood Nature Used In Weak Back, Liver, Kidney Complaints, Billousness, * * * Cold, Fever, Headaches, Indigestion." (4) In that the label failed to bear the common or usual names of the active ingredients. (5) In that the label did not bear an accurate statement of the quantity of contents.

On August 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

556. Misbranding of T. S. B. Saline. U. S. v. 53 Cards, to each of which were attached 12 Envelopes, 27 Dozen 2½-Ounce Bottles, and 20 Dozen 8-Ounce Bottles of T. S. B. Saline. Default decree of condemnation and destruction. (F. D. C. No. 4753. Sample No. 42377-E.)

The labeling of this product failed to bear adequate warning statements and directions for use, it contained false and misleading therapeutic claims, and the quantity of contents statement "3 Dram" on the envelopes was inaccurate since the contents varied from 3.97 to 4.82 drams, and on the bottle label it was inconspicuously placed.

On May 13, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against the above-named product at Erie, Pa., alleging that it had been shipped on or about March 18, 1941, by T. S. Burns & Boys Co. from Buffalo, N. Y.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of a mixture of partially dehydrated Epsom salt and Glauber's salt, with traces of magnesium carbonate and sodium chloride.

The article was alleged to be misbranded: (1) In that the labeling failed to bear adequate directions for use, since the statement appearing on the bottle labels, "Directions: Children According to age, use one-half to one teaspoonful, dissolved in water," did not set forth the dosage for different age groups and such statement did not indicate that the article would be dangerous to health when used by very young children. (2) In that the labeling failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or duration of administration in such manner and form as are necessary for the protection of users, since the envelopes carried no warning with reference to avoidance of the article in abdominal pain, nausea, vomiting, and other symptoms of appendicitis, nor against frequent or continued use when such use might result in dependence on the use of a cathartic to move the bowels; the bottle labeling carried no warning against frequent or continued use and the warning to avoid laxatives in case of severe abdominal pains was not adequate to warn the purchaser that laxatives should not be used in case of abdominal pain, nausea, and vomiting, which might be symptoms of appendicitis. (3) In that statements appearing in the labeling, which represented that it would be efficacious as a laxative and intestinal cleanser, that it would be efficacious in the treatment of rheumatism, constipation, indigestion, colds, skin rash, billousness, and many conditions arising from faulty elimination; and that it would be helpful to help Nature help itself, were false and misleading since it would not be efficacious for such purposes. (4) In that magnesium carbonate ("Magnes. Carb."), listed on all the labels as an active ingredient, was not an active ingredient since it was present in traces only. (5) In that the labels failed to bear the common or usual name of each ingredient since "Soda. Sulph." on the envelope and 2½-ounce bottle label, was not the common or usual name for sodium sulfate; the term "Magnes. Sulph." appearing on the envelopes and the 2½-ounce bottle label, and the term "Mag-

nesium Sulphate," appearing on the 8-ounce bottle label, were not the common or usual name for Epsom salt. (6) In that the envelopes failed to bear an accurate statement of the quantity of contents since the statement "3 Dram" was not an accurate statement of the quantity of contents of the package. (7) In that the declaration of quantity of contents on the bottles was not prominently placed thereon with such conspicuousness (as compared with other words, statements, and designs in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the statement did not appear upon the principal display panels of the labels.

On June 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

557. Misbranding of Velpaus Pills. U. S. v. 4½ Dozen Packages of Velpaus Pills. Default decree of condemnation and destruction. (F. D. C. No. 5106. Sample No. 29500-E.)

This product, in addition to failure to bear adequate directions for use and warning statements, bore false and misleading therapeutic claims.

On July 9, 1941, the United States attorney for the Southern District of Ohio filed a libel against the above-named product at Columbus, Ohio, alleging that it had been shipped on or about June 2, 1941, by F. W. Briggs & Co. from Buffalo, N. Y.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of aloes, ferrous sulfate, myrrh, and starch, together with volatile oils including savin oil, and coated with sugar and chalk.

The article was alleged to be misbranded: (1) In that it failed to bear adequate directions for use since those given on the carton and in the circular were not appropriate for the administration of a laxative. (2) In that the labeling failed to bear adequate warnings against use in those pathological conditions where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users, since the warning which was printed on the circular failed to convey the information that this particular article should not be taken when suffering from nausea, abdominal pain, vomiting, or other symptoms of appendicitis and that frequent or continued use might result in dependence upon a laxative. (3) In that the following statements, "Two days before the expected menstruation take one pill before meals and at bedtime. Bathe the feet and lower legs in hot mustard water. Drink freely of hot ginger tea. Cover up and keep warm. This preparation may be dangerous and should be used under medical supervision," were false and misleading since it did not constitute a treatment for delayed menstruation and would not be effective when used under medical supervision. (4) In that the following statements, "In constipation cases we recommend a mild cathartic to keep the bowels open and easy. Exercise in the open air is helpful, keeping the body and feet warm. Not for habitual use. In case of nausea, abdominal pain, or vomiting, avoid the use of all laxatives and cathartics," were false and misleading since they failed to reveal that it was a laxative and they created the impression that some other product should be taken if a laxative action were desired.

On October 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

558. Adulteration and misbranding of vitamin B complex tablets. U. S. v. 2,750 Special Formula No. 8558 Tablets and 717 Bottles and 65 Envelopes of Vitamin B Laxative. Default decree of condemnation and destruction. (F. D. C. No. 4873. Sample Nos. 11178-E to 11180-E, incl., 11401-E to 11403-E, incl.)

These tablets represented a portion of a bulk shipment of tablets in 2 drums labeled in part "Special Formula No. 8558," the greater portion of which had been repackaged and relabeled by the consignee after shipment. In addition to failure to bear adequate directions for use and warning statements, the labeling of these tablets bore false and misleading statements regarding their composition and therapeutic efficacy and also failed to bear the common or usual names of their active ingredients.

On June 5, 1941, the United States attorney for the Western District of Texas filed a libel against 2,750 Special Formula No. 8558 Tablets, 737 bottles and 65 envelopes containing a total of 45,521 tablets at San Antonio, Tex., alleging that the article had been introduced in interstate commerce on or about February 1, 1941, at Bristol, Tenn., and that it was then in the possession of the Medical